

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

119403

FILE: B-208390

DATE: September 8, 1982

MATTER OF: Alchemy, Inc.

DIGEST:

Protest is dismissed as untimely where
protester did not challenge cancellation
of IFB until 5 months after notice of
cancellation.

Alchemy, Inc. (Alchemy), protests that it should
be awarded the contract under Defense Logistics Agency
invitation for bids (IFB) No. DLA700-82-B-2173 without
having to compete for it, since the IFB is a resolicita-
tion of canceled IFB No. DLA700-82-B-0184 on which it
was the low bidder.

The protest is untimely.

By letter dated February 26, 1982, Alchemy was
advised that IFB No. DLA700-82-B-0184 was canceled with
no explanation other than a citation to Defense Acquisi-
tion Regulation § 2-404.1(B)(VIII) (1976 ed.) and a
statement that the cancellation was in the best interest
of the Government. At the time, Alchemy did not pursue
the specific reason for the determination that the
cancellation was in the best interest of the
Government. In maintaining that it should be awarded
the contract under IFB DLA700-82-B-2173, Alchemy is, in
effect, challenging the cancellation of IFB
DLA700-82-B-0184 now.

Our Bid Protest procedures require that protests
to our Office be filed (received) in our Office no later
than 10 working days after the basis for protest is
known or should have been known, whichever is earlier.
4 C.F.R. § 21.2(b)(2) (1982). Thus, Alchemy was not
diligent in pursuing the protest and the July 23, 1982,
protest of the February 26, 1982, notice of cancellation
is untimely. L. W. Sloan Builders, Inc., B-204682.2,
July 12, 1982, 82-2 CPD ____.

Protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel